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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 JOHN MONTUE,

11 Petitioner,

No. CIV S-04-1697 FCD JFM P

12 vs.

13 MIKE KNOWLES, et al.,

14 Respondents.

ORDER

15 _____/
16 On March 1, 2006, respondents filed a request for reconsideration of the
17 magistrate judge's order filed February 21, 2006, denying respondents' motion to dismiss. On
18 March 7, 2006, petitioner filed a response to respondents' request. Pursuant to E.D. Local Rule
19 72-303(f), a magistrate judge's orders shall be upheld unless "clearly erroneous or contrary to
20 law." Upon review of the entire file, the court finds that it does not appear that the magistrate
21 judge's ruling was clearly erroneous or contrary to law.

22 Therefore, IT IS HEREBY ORDERED that, upon reconsideration, the order of the
23 magistrate judge filed February 21, 2006, is affirmed.

24 DATED: March 30, 2006

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26 /s/ Frank C. Damrell Jr.
FRANK C. DAMRELL JR.
United States District Judge

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